

REMARKS

This is in response to the Office Action dated September 23, 2003. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The amendments to the claims contained herein are intended for clarification and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

SPECIFICATION

With regard to the objection to the specification, the specification is being amended pursuant to the Examiner's correct comment, i.e., "end pieces 24" is being amended to be "end pieces 14" and with the addition of numerals 24 and 26 for the outer and inner sections.

DRAWINGS

With regard to the objection to the Drawings, this objection has been withdrawn by the Examiner pursuant to the Examiner's e-mail response of December 12, 2003 to my clarifying submission "Partial Response To Office Action Of September 23, 2003". The cooperation of the Examiner in this matter is appreciated.

CLAIM OBJECTIONS

Claim 34 is being amended pursuant to the Examiner's comment and "o" is being changed to "of".

DOUBLE PATENTING

With regard to claims 30 and 32, claim 32 is being amended and as such is distinguishable from claim 30.

As to claims 40 and 42 dependent on claims 30 and 32 respectively, claim 32 is being amended as noted above and is distinguishable from claim 30.

As to claims 48 and 49, claim 49 is being cancelled without prejudice.

Thus the issue of double patenting has been resolved.

CLAIM REJECTION ON 35 USC§112

The rejection of claims 33-37, 43-44 and 47-49 is being responded to by the amendments to claims 33, 34, 36, 37, 47 and 48 and the cancellation of claim 49.

Claims 50-52 have been amended to be dependent on claim 30, as suggested by the Examiner.

NEWLY ADDED CLAIMS

Claims 53-55 are being newly added and clearly distinguish from the remaining claims and from the prior art, none of which shows the cooling means and other features as defined in these claims.

CLAIM REJECTION ON 35 USC§103

The Examiner rejected claims 30-33, 37-46 and 50-52 on Opower in view of Friede and claims 34-36 and 47-49 on Opower and Friede in view of Hochuli.

It is submitted that none of the above references taken alone or in combination teach or suggest applicant's structure as defined by the claims.

For example, in Opower none of the electrodes are separately free of each other and therefore there can be no relative adjustment between the electrodes. It would appear clear that all of the noted elements in Opower are fixed from relative movement.

In this regard the Friede patent is of no assistance. There is no teaching in Friede of two electrodes separately connected to opposite ends of a housing.

Also the Hochuli patent does not contribute any significant teaching alone or in combination with Opower and/or Friede.

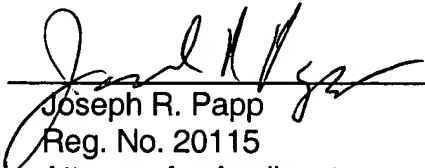
Certainly the claims prior to and after amendment patentably distinguish over the noted references and over all of the references of record. In this regard newly added claims 53-55 define a further feature of the present invention with respect to cooling means being applied through the ends of the electrodes at the opposite ends of the housing. Thus the heat energy of the electrodes to be cooled is flowing out of the electrodes at different regions and in different directions whereby an equal heat distribution is provided.

Thus with such cooling, it is possible to construct a CO₂ slab laser with minimal dimensions, low costs and high laser output quality. None of the constructions according to the prior art are able to realize the combination of these advantages similar to the present invention.

Thus clearly all of the claims patentably define over the references cited and over all of the references of record. Favorable consideration of the claim is most respectfully requested.

If the Examiner has any further questions or concerns, he is asked to call counsel for applicant prior to any issuance of a final rejection in order to resolve this matter expeditiously.

Respectfully submitted,

By: 
Joseph R. Papp
Reg. No. 20115
Attorney for Applicant

Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600
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JRP/cvjk
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